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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL ANDERSON and
RICKY PHIENEMANH,

Defendants.

CASE NO. 2:22-cr-00228-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: July 11, 2023
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 11, 2023.
2. By this stipulation, defendant now moves to continue the status conference until **October 17, 2023, at 09:00 a.m.**, and to exclude time between July 11, 2023, and October 17, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports and related documents in electronic form including approximately 838 pages of documents, photographs, video and audio files, and drug lab analyses. All of this discovery has been either produced directly to counsel and/or made available for inspection and

1 copying.

2 b) Counsel for defendants require additional time to review the discovery, consult
3 with their clients, review the current charges, conduct investigation and research related to the
4 charges, to discuss potential resolutions with their clients, and to otherwise prepare for trial.

5 c) Jennifer Mouzis, counsel for defendant Darrell Anderson, is scheduled to be in
6 trial in *United States v. Woods*, 2:21-cr-100-JAM, beginning September 18, 2023. Trial is
7 expected to last 3 days.

8 d) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny them the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of July 11, 2023 to October 17, 2023,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
18 because it results from a continuance granted by the Court at defendant's request on the basis of
19 the Court's finding that the ends of justice served by taking such action outweigh the best interest
20 of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 28, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ALSTYN BENNETT
ALSTYN BENNETT
Assistant United States Attorney

Dated: June 28, 2023

/s/ MICHAEL R. BARRETTE
MICHAEL R. BARRETTE
Counsel for Defendant
RICKY PHIENEMANH

Dated: June 28, 2023

/s/ JENNIFER MOUZIS
JENNIFER MOUZIS
Counsel for Defendant
DARRELL ANDERSON

ORDER

IT IS SO FOUND AND ORDERED.

Dated: June 28, 2023

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE